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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,543	02/17/2004	Moshe Flashner-Barak	1662/63202	3365
26646 7590 02/11/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
ROYDS, LESLIE A				
ART UNIT		PAPER NUMBER		
1614				
MAIL DATE		DELIVERY MODE		
02/11/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/781,543	2/17/2004	FLASHNER-BARAK ET AL.	1662/63202

## EXAMINER

Leslie A. Royds

ART UNIT	PAPER
1614	20090202

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

## NOTICE OF NON-COMPLIANT AMENDMENT

Applicant's Amendment filed November 3, 2008 has been received and entered into the present application. Applicant is reminded of the requirements of 37 C.F.R. 1.121[c], which states, "Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being cancelled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently Amended), (Cancelled), (Withdrawn), (Previously Presented), (New) and (Not entered)." Note also that 37 C.F.R. 1.121[c](4)(ii) states, "Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "cancelled" will constitute an instruction to cancel the claim."

Applicant's claim listing filed November 3, 2008 fails to indicate the status of claims 2-4. Specifically, the claim listing provides for claims 2-3, but fails to provide the claim text and/or a status identifier. As a result, it is unclear if Applicant intends to cancel these claims or if such claims are intended to remain pending in the case, since no claim text or status identifier has been provided. Also, claim 4 has been completely omitted from the claim listing and, therefore, it is also unclear if this claim is intended to be cancelled or to remain pending.

Accordingly, Applicant is required, in reply to this notice, to submit a CLEAR and COMPLETE listing of all pending claims wherein each claim is presented with an appropriate status identifier, and the claim text, where appropriate, to rectify the issues noted supra with regard to claims 2-4. Failure to comply with the provisions of 37 C.F.R. 1.121 and/or to correct the deficiencies noted supra will again render the reply NON-COMPLIANT.

Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

/Ardin Marschel/  
Supervisory Patent Examiner, Art Unit 1614

/Leslie A. Royds/  
Patent Examiner, Art Unit 1614